

To: Technology Ccenter 3738 (Fax: 703-872-9306) No. of pages: 3

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**CENTRAL FAX CENTER**  
**FEB 01 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )

In Chia Pao Cheng ) Group Art Unit: 3738

Application No. 10/625,660 )

Filed: July 24, 2003

For: POSITIONING AND BUFFERING DEVICE FOR ARTIFICIAL KNEE JOINT

Honorable Commissioner For Patents

P.O. BOX 1450,

ALEXANDRIA, VA 22313-1450

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT BASED  
ON FAILURE TO RECEIVE OF OFFICE ACTION**

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
  - (a) The Office action indicated, as mailed on May 12, 2004, was not received.
  - (b) A search of the file jacket and the docket records in the office indicates that this Office Action was not received.

A copy of the docket record is enclosed.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to the Patent and Trademark Office.

Leong C. Lei  
Leong C. Lei (Reg. No. 50402)

Date: February 1, 2005

**TITLE: A POSITIONING AND BUFFERING DEVICE FOR ARTIFICIAL KNEE JOINT**

DOCKET NO. FP9653

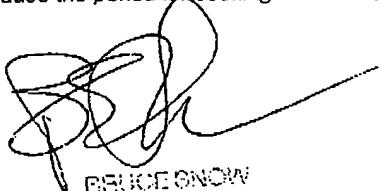
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<b>Notice of Abandonment</b>	Application No.	Applicant(s)
	10/625,660	CHENG, CHIA PAO
	Examiner Bruce E Snow	Art Unit 3738
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--</i>		
This application is abandoned in view of:		
1. <input checked="" type="checkbox"/> Applicant's failure to timely file a proper reply to the Office letter mailed on <u>5/12/04</u> . (a) <input type="checkbox"/> A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____. (b) <input type="checkbox"/> A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) <input type="checkbox"/> A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) <input checked="" type="checkbox"/> No reply has been received.		
2. <input type="checkbox"/> Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) <input type="checkbox"/> The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) <input type="checkbox"/> The submitted fee of \$_____ is insufficient. A balance of \$_____ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____. (c) <input type="checkbox"/> The issue fee and publication fee, if applicable, has not been received.		
3. <input type="checkbox"/> Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (a) <input type="checkbox"/> Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply. (b) <input type="checkbox"/> No corrected drawings have been received.		
4. <input type="checkbox"/> The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.		
5. <input type="checkbox"/> The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.		
6. <input type="checkbox"/> The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.		
7. <input type="checkbox"/> The reason(s) below:   BRUCE SNOW USPTO PATENT EXAMINER		
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.		